

June 4, 2007

B19-J

Mr. Phil Youngberg
Regional Environmental Manager
U.S. General Services Administration (GSA)
401 W. Peachtree Street NW
Suite 2500
Atlanta, GA 30308

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the National Institute for Occupational Safety and Health (NIOSH) Cincinnati Laboratory Consolidation in the counties of Hamilton and Clermont, Cincinnati, Ohio, CEQ #20070152

Dear Mr. Youngberg:

The U.S. Environmental Protection Agency (U.S. EPA) has received the document listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act, U.S. EPA reviews and comments on major federal actions.

In the DEIS, two alternatives are presented. The no action alternative would continue the occupation of the Alice Hamilton Laboratory, Robert A. Taft and Taft North buildings by NIOSH employees in Cincinnati, Ohio. The Taft and Hamilton facilities are 5 miles apart. The preferred alternative identifies and analyzes potential sites that could accommodate the proposed consolidation of NIOSH employees in a new facility.

The preferred alternative considers six sites in the Cincinnati area. Three sites are located in Hamilton County: TechSolve Business Park, Millcreek Psychiatric Center, and the Summit Outparcel site. The other three sites are located in Clermont County: Ivy Pointe Commerce Park, Ridgewood Corporate Center, and Miami Commons site. At the conclusion of the EIS, if the preferred alternative is selected, the Centers for Disease Control (CDC) and NIOSH will seek authorization to proceed with site acquisition for the consolidation of the current facilities.

U. S. EPA rates the preferred alternative as **EC-2, Environmental Concerns-Insufficient Information**. A description of the ratings system is enclosed. Overall, the DEIS was presented in an organized and clear manner. However, we have enclosed specific comments about air quality, alternatives, land use, sustainability, tree mitigation, wetlands and water quality in an enclosure entitled, "U.S. EPA Comments on NIOSH Cincinnati Laboratory Consolidation."

During verbal communication with GSA, you indicated that further NEPA documentation would analyze the environmental impacts (e.g., wetlands, historical and cultural resources, threatened and endangered Species, etc.) of the sites in greater detail and offer appropriate mitigation after the Record of Decision (ROD). You also suggested that the future NEPA documentation would most likely be an Environmental Assessment (EA). If this is the case, please state this clearly in the Final EIS.

We commend GSA, the CDC, and NIOSH for committing to creating a Sustainable Buildings Implementation Plan (per Executive Order 13423) prior to construction. We look forward to more detailed information regarding this plan in the FEIS (see detailed comments).

If you have any questions regarding U.S. EPA's comments, please contact Ms. Julia Guenther at (312) 886-3172 or email her at [guenther.julia @epa.gov](mailto:guenther.julia@epa.gov).

Sincerely,

Kenneth A. Westlake, Chief
NEPA Implementation Section

Enclosures: *U.S. EPA Comments on NIOSH Cincinnati Laboratory Consolidation
Summary of Ratings Definition and Followup Action*

U.S. EPA Comments on NIOSH Cincinnati Laboratory Consolidation

Air Quality

The conclusions drawn in the air quality section on page 3.5-7 of the DEIS are appropriate. However, we suggest clearly stating that Hamilton County and Clermont County are nonattainment areas for the fine particulate (PM 2.5) and 8-hour ozone standards.

Exposure to diesel exhaust by construction workers and those nearby a construction site can have serious health implications. For this reason, we recommend that all non-road construction equipment that has higher emissions than U.S. EPA's Tier II standards be retrofitted with diesel oxidation catalysts, and use ultra-low sulfur diesel. Although not required by U.S. EPA regulations, similar contract specifications have been established for other large construction projects, including the O'Hare Airport Modernization Project and the Dan Ryan highway project in Chicago.

In addition, we recommend that future NEPA documents contain a description of efforts to minimize the impact of idling vehicles and construction equipment, and how such anti-idling measures will be enforced. We recommend that the idling of all engines not exceed 5 minutes, and that a proper ordinance is in place to ensure compliance. Shutting down gasoline and diesel vehicles and equipment when engine power is not required will reduce emissions of carbon monoxide, carbon dioxide, particulate matter, volatile organic compounds, oxides of nitrogen, and mobile source air toxics. These emissions can adversely affect local air quality, adversely affect human health through exposure, and can seep into nearby buildings and adversely affect indoor air quality.

Alternatives

Please clarify why all of the employees cannot reside in a new facility at one of the existing locations.

Land-use

For the three sites located in Clermont County, more discussion should be included in the Final EIS regarding the possible induced growth brought about by a federal facility being sited in a rural area that is gradually becoming more suburban. Will siting of the NIOSH facility in Clermont County promote growth in more green spaces? Has Clermont County included adequate green space in its land use plans?

Sustainability

We are pleased with GSA's commitments to the use of native plants in landscaping and the removal of invasive plant species.

Thank you for committing to recycling demolished materials on page 3.12-5 of the DEIS. U.S. EPA also encourages the use of recycled industrial materials for building construction. These materials conserve energy and reduce greenhouse gas emissions by decreasing the demand for products made from more energy-intensive manufacturing processes. You can learn more about these materials at the following websites: www.aaa-usa.org, www.epa.gov/epaoswer/osw/conserve/priorities/bene-use.htm, www.cdrecycling.org, http://greenbuildings.berkeley.edu/pro_wurster.htm, and www.foundryrecycling.org.

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We understand from the DEIS that mass transit is not widely available to many of the NIOSH employees. Ongoing planning in the Cincinnati area about future mass transit projects should be considered when siting the new building to save energy and reduce air pollution.

We look forward to seeing more detailed information in the FEIS about the measures that can be utilized to meet the guiding principles of the *Federal Leadership in High-Performance and Sustainable Buildings Memorandum of Understanding (2006)*. For example, what specific types of measures would GSA consider for meeting the “*Outdoor Water*” requirements of guiding principle “*III. Protect and Conserve Water*” (e.g., rain gardens, permeable parking lots, etc.)? When more detail is given in the FEIS, the public and other agencies will better understand how Executive Order 13423 affects this project.

Tree/Woodland Losses

In future NEPA documentation, please disclose the acreage of trees that will be removed from each site. U.S. EPA encourages voluntary tree mitigation. We generally recommend that native saplings be used, if practicable, at a minimum ratio of 1:1. The trees should be placed in an area close to the project site. Instead of burning or disposing removed trees in a landfill, they should be placed in woodland areas to help create and mitigate the loss of wildlife habitat. Vegetation that cannot be reused elsewhere should be mulched and given to citizens or used during revegetation of the construction sites. Only native species should be used revegetate. Future NEPA documentation should contain a mitigation plan for the loss of any trees due to the proposed project.

Wetlands and Water Quality

For all of the sites listed in the preferred alternative, more detailed wetland information should be included in future NEPA documentation. The wetlands need to be delineated so that the acreage of each wetland type impacted can be disclosed. Showing the wetland locations on the map of each site being considered would also be helpful. In addition, if a wetland is considered non-jurisdictional by the Army Corps of Engineers (ACOE), the Ohio EPA may still regulate the wetland and require mitigation. A draft mitigation plan should be developed and included in future NEPA documentation, if applicable. In the Final EIS, please clarify when this information will be provided.

Thanks for listing those water bodies that are on the Ohio Clean Water Act Section 303(d) impaired waters list and providing the causes for impairment. If the Mill Creek Psychiatric Center site is considered in the future, discussing Best Management Practices (BMPs) to prevent further nitrogen and phosphorus contamination of Mill Creek would be beneficial. For example, will the future facility use fertilizer and pesticides on the grounds as a standard maintenance practice?

Construction at three of the sites (TechSolve Business Park, Ivy Pointe Commerce Park, and Ridgewood Corporate Center) will most likely result in contact with groundwater. We would suggest that during construction appropriate safeguards are in place to ensure that groundwater is not endangered. These precautions include notifying general contractors that the site is sensitive, securing adequate precautions for fueling/servicing large equipment, and

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developing contingency plans to handle the release of any hazardous materials. Please include any commitments regarding groundwater precautions in the Final EIS.

We are pleased that at two of the sites (Mill Creek Psychiatric Center and Summit Outparcel) disconnection from the combined sewer overflow (CSO) system will be considered if those sites are chosen. U.S. EPA strongly encourages disconnection from the CSO in the final design for the site.